United Nations S/2002/600

Security Council

Distr.: General
28 May 2002

Original: English

Letter dated 24 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Antigua and Barbuda, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-40992 (E) 070602

Annex

Note verbale dated 28 December 2001 from the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Antigua and Barbuda to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to his note of 4 October 2001 referring to Security Council resolution 1373 (2001).

In response, please find attached, a copy of the Antigua and Barbuda "Prevention of Terrorism Act, 2001" and other measures to implement resolution 1373 (2001).*

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* The report is on file with the Secretariat and is available for consultation.

United Nations S/2002/601

Security Council

Distr.: General
29 May 2002

Original: English

Letter dated 28 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/379).

The Counter-Terrorism Committee has received the attached supplementary report from Egypt, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-40844 (E) 100602 140602

Annex

Letter dated 22 May 2002 from the Permanent Representative of Egypt to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 22 March 2002 conveying the preliminary comments by the Counter-Terrorism Committee on the report of the Government of the Arab Republic of Egypt, I have the pleasure to enclose the response of the Government of the Arab Republic of Egypt to those comments (see enclosure).

(*Signed*) Ahmed **Aboul Gheit**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

Reply to the preliminary comments/questions on the report of Egypt on measures to combat terrorism submitted to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

1. Subparagraph 1 (a)

Comment/question

Please outline in more detail the purport of the legislation referred to in parts I and II of the report.

Reply

What is meant by the legislation referred to in the parts mentioned above is all legislation relating to the suppression of terrorism. Such legislation, which is general and abstract, is aimed at curbing the activity of terrorist groups. It includes law No. 97 of 1992 on terrorism, which includes amendments to the Penal Code and the Code of Criminal Procedure, establishes State security courts and deals with bank secrecy and weapons and ammunition; law No. 32 of 1964 on private associations and institutions; law No. 153 of 1999 on the promulgation of the law on non-governmental organizations and institutions; bank secrecy law No. 205 of 1990; banking and credit act No. 163 of 1957; law No. 34 of 1971 organizing the imposition of custodianship and ensuring the safety of the people; and law No. 182 of 1960 on the control of narcotic drugs.

2. Subparagraph 1 (b)

Comment/question

What does the term "financing", mentioned in article 86 (a) of the Penal Code, mean, and does it cover economic assistance and other related resources?

Reply

It should be mentioned at the outset that the Egyptian legislator, in prohibiting the financing of terrorist elements by the legal text mentioned above, used a broad and general term, i.e. "supplying". This term comprises any items in kind or material items given to such elements and permitting or helping them to carry on terrorist activities.

In addition, the text contains a detailed description of the nature of the items with which terrorist organizations or groups can be expected to be supplied or financed, starting with weapons, ammunition and explosives, inasmuch as those are the primary means on which terrorist activity is based. It then goes on in broader terms, mentioning "or materials, instruments or information" of any type whatsoever that are provided to such groups, so long as they contribute to their subsistence and continued existence and the pursuit of their activities. Next, it refers to economic assistance by means of the term "funds", which includes cash amounts, paper securities and every movable or immovable corporeal thing to which a monetary value can be attributed.

Thus the terms "financing" or "supplying" in article 86 (a) of the Code unquestionably cover all economic assistance and other related resources.

3. **Subparagraph 1 (c)**

Comment/question

Concerning the socialist public prosecutor law, is there a difference between the imposition of custodianship and the freezing of assets?

Reply

The imposition of custodianship must be based on a judicial decision, under the conditions stipulated in law No. 34 of 1971 organizing the imposition of custodianship and ensuring the safety of the people and in accordance with rules set out therein, pursuant to article 1 of that law. This differs from the freezing of assets, which is not subject to the issuance of a judicial decision but rather left to the discretion of the competent authorities, as provided in the socialist public prosecutor law and the bank secrecy law.

Comment/question

Do decisions of the Central Bank relating to the freezing of funds have the force of law? Is non-compliance by banks an offence? What penalties are provided for violations?

Reply

The Central Bank of Egypt issues instructions to all the banks under its supervision and to the Arab International Bank to freeze all assets, private accounts and funds pertaining to organizations connected with terrorist acts.

It should be pointed out that article 58 of banking and credit act No. 163 of 1957 provides as follows: "the wilful fraudulent indication of incorrect facts or concealment of facts in declarations, records of proceedings or other papers presented to the Central Bank hereunder shall be punishable by imprisonment and a fine of not less than one hundred pounds and not more than one thousand pounds or by either of those penalties".

The meaning of the said article is that penalties are imposed in the event that banks misrepresent facts or conceal facts from the Central Bank of Egypt.

Article 98 (e) of the Penal Code provides that assets which have been proven to be earmarked for expenditure on terrorist groups or organizations must be confiscated.

Comment/question

What legal provisions exist for the freezing of property or funds in Egypt that belong to persons or entities outside Egypt who are connected with terrorism but are not named in the lists attached to the resolution?

Reply

There are numerous legal texts that make it possible to monitor and examine financial sources of terrorism, take custody of them and freeze them.

The bank secrecy law allows the attorney general or any person empowered thereby to examine or obtain any data or information pertaining to accounts, deposits, trusts or safes and transactions related thereto if so required to ascertain the facts in a terrorist offence.

Socialist public prosecutor law No. 34 of 1971, as amended by law No. 95 of 1980, permits the imposition of custodianship over an individual's property if there exists substantial evidence that his assets have grown as a result of unlawful operations.

Article 98 (e) of the Penal Code also provides that assets which have been proven to be earmarked for expenditure on terrorist groups or organizations must be confiscated.

Comment/question

What are the further steps referred to in paragraph 15 (b) of Egypt's report?

Reply

The draft law on money-laundering, for whose submission to the legislative authority steps are currently being taken, provides a sufficient answer to this question.

Comment/question

What provisions will cover future requests, if any, for such action from other countries?

Reply

We consider that the Arab Republic of Egypt spares no effort when it receives any request for legal or judicial assistance for the prevention of crime in general, whether organized crime, such as money-laundering, terrorist offences or ordinary crimes, whatever their legal description may be. Such efforts take place within the framework of bilateral or multilateral agreements to which Egypt is a party or in accordance with the principle of reciprocity.

4. **Subparagraph 1 (d)**

Comment/question

Please indicate any regulations governing alternative money-transfer methods or agencies (i.e., as an alternative to banks).

Reply

The vast majority of money-transfer operations, whether to or from Egypt, are effected through banks, inasmuch as money-changing companies are not licensed to transfer funds abroad or to receive funds for the account of agents. Only two companies operating in Egypt are authorized to receive funds under licences issued by the Ministry of Economy and Foreign Trade under specific rules governing their activity, which can be summarized as follows:

(a) A foreign-currency account is opened at a bank in the name of the company and amounts in foreign currency which the agents of the company wish to transfer abroad are paid into that account. Transfers from the account to foreign countries are effected within the limits of the account's current credit balance. Transfers from abroad are also paid into the account;

(b) It is forbidden for the company to receive any cash amounts in foreign currency directly from agents; rather, the agents deposit amounts intended for transfer abroad in the company's account with the bank;

(c) The bank at which the company's account has been opened sends to the Central Bank of Egypt a monthly statement of the amounts transferred from the company's account;

(d) Disbursements are made up to the amount of $100,000 from the account opened at the bank to the company in order for it to make disbursements to payees in amounts not greater than $5,000;

(e) The company agrees not to disburse to payees cash amounts greater than $5,000, such payments being made by cheques drawn on the account opened at the bank.

On 8 December 1997 the Minister of Economy and Foreign Trade agreed that no further licences would be granted to new companies for carrying on this activity. Moreover, the two companies referred to above would not be permitted to carry on their business through their agents in Egypt, such business being conducted solely through their branches. The purpose of this was to tighten control over them and verify their compliance with the monetary obligations issued in respect of them.

It should also be mentioned that the draft law against money-laundering that has been prepared makes all financial institutions, including the two money-transfer companies, subject to that law, under which such institutions are required to report transactions suspected of involving money-laundering.

Comment/question

Please inform the Committee on the progress made on Egyptian legislation against money-laundering and the promulgation of new legislation.

Reply

Regarding the draft law on money-laundering referred to in Egypt's report, the committee formed by decision of the Minister of Justice has completed the final draft, which has been submitted to the constitutional institutions for review. It is now in the final stages prior to submission to the legislative authority with a view to its promulgation within the shortest possible time.

Comment/question

Are the relevant provisions of the Penal Code of Egypt applicable in the following circumstances:

(1) Acts committed by an Egyptian national or a person habitually resident in Egypt, whether currently present in Egypt or not;

(2) Acts committed outside Egypt by a foreign national who is currently in Egypt?

Reply

The provisions and rules of the Egyptian Penal Code apply to:

- Acts committed by an Egyptian in Egypt or abroad if they affect Egyptian security;
- Acts committed by an Egyptian abroad, provided that such acts are punishable under the law of the country in which he perpetrated them and that he has not been exonerated by the competent foreign courts or, in the case of a final judgement issued by them against him, fully served the sentence (article 4 of the Penal Code);

- Acts committed in Egypt by an alien, whether or not resident there;
- Acts committed by an alien abroad which affect Egypt's national interests;
- The permissibility of trying an alien in Egypt for an offence committed by him abroad, provided that such offences are among those prohibited by Egyptian law.

5. **Subparagraph 2 (b)**

Comment/question

Please clarify whether the cooperation referred to in Egypt's report can take place under existing Egyptian law or only by virtue of bilateral and multilateral treaties or conventions.

Reply

International cooperation takes place under Egyptian law or under bilateral and multilateral conventions or treaties to which Egypt is a party, through diplomatic or security channels, depending on the case.

6. **Subparagraph 2 (f)**

Comment/question

Egypt's report states that Egypt applies the Arab Convention for the Suppression of Terrorism. Are the means of cooperation referred to in that Convention available to other countries not parties to it?

Reply

Under article 26 of the Vienna Convention on the Law of Treaties, a convention is binding only on those who have concluded it, in accordance with the principle of the relative normativity of conventions. Consequently, the provisions of the Arab Convention for the Suppression of Terrorism do not apply to any State not a party to it. This principle is contained in article 40, paragraph 2, of the latter Convention, which states the following:

> "This Convention shall enter into force for any other Arab State only after the instrument of ratification, acceptance or approval has been deposited and 30 days have elapsed from the date of that deposit."

This has been the international practice in the context of regional conventions, as in the case of the European Convention on the Suppression of Terrorism.

7. **Subparagraph 2 (g)**

Comment/question

The Committee requests information on the system of existing cooperation between agencies and security authorities in connection with narcotics control, monitoring of financial transfers and security, with particular regard to border controls for preventing the movement of terrorists.

Reply

The Arab Republic of Egypt participates actively in the efforts of the international community to control illicit drug traffic through its accession to the

various international conventions concluded for that purpose, from the International Opium Convention, signed at The Hague in 1912 to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Egypt also signed the Arab Strategy for Control of Illicit Use of Narcotic Drugs and Psychotropic Substances in Tunis in 1994, in addition to signing numerous bilateral and multilateral treaties to promote and support cooperation in various control areas. Egypt has also participated since 1930 in the activities of the agencies concerned with narcotics in the League of Nations and subsequently the United Nations. It has been an active member of the United Nations Commission on Narcotic Drugs since its establishment in 1964 and of its Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East. In recent years it has participated in many important meetings held in Arab, African and international contexts for the purpose of seeking approaches to international and regional cooperation for the control of narcotics and international cooperation in dealing with smuggling on the high seas.

It should be mentioned that the Government of Egypt tends to except drug offences from the sphere of operation of treaties concluded by it for the transfer of persons against whom prison sentences have been handed down so that they may serve them in the States to which they belong. This position reflects the insistence of the Egyptian authorities on dealing resolutely with the perpetrators of such offences.

The border security measures adopted by the Government of Egypt to prevent the movement of terrorists are as follows:

- Stepping up operations for the pursuit of fugitive terrorist elements in order to apprehend them quickly where they are suspected of having disappeared; tightening controls on all land, air or sea exit/entry points; and providing them with state-of-the-art equipment to check for forged documents, weapons and explosives;
- Coordinating with the security authorities in neighbouring countries with a view to taking concerted steps to prevent terrorist elements from infiltrating into Egyptian territory;
- Improving the performance of persons employed in security bodies responsible for securing exit/entry points and reinforcing them with persons specially trained in the detection of the latest means of forgery to which terrorist elements have recourse in order to enter or leave the country;
- Furnishing to border-crossing points the latest information, data and photographs available on terrorist elements and leaders and the means employed by them to cross borders illegally;
- Reinforcing the security presence at the various border points, enhancing the efficiency of securing and guarding systems and expanding and working with the list of suspects in accordance with the nature of each border region.

8. Subparagraphs 3 (a) and (b)

Comment/question

Please clarify whether the reply in subparagraph 16 (b) of Egypt's report, which refers to subparagraph 2 (b) of the resolution, also covers the requirements of subparagraphs 3 (a) and (b) of the Security Council resolution.

Is the relevant information also available to any requesting country?

Has Egypt any institutional mechanism available for the exchange of operational information, and is there any law which provides for such mutual assistance?

Reply

The relevant information is provided to any requesting State in accordance with the principle of reciprocity and in the light of the objective grounds put forward for each request and the reasons for the request. Where the requested information is obtained through third countries, existing obligations with these countries may not be violated.

Egypt's institutional mechanism for exchanging information at national, regional and international levels is as follows:

- The work of the various security apparatuses and the law enforcement apparatus within Egypt is coordinated by means of specific mechanisms and channels, and by liaison officers who implement coordinating measures.
- The principles and rules on which this mechanism is based differ according to the nature of the subject and the authority with which information is to be exchanged.
- Decision No. 2977 of 1989 of the Minister of the Interior established an international cooperation committee to work with the various security apparatuses and the Ministries of the Interior and State Security of various States and international and governmental organizations specialized in all types of crime (including terrorist crimes).
- Decision No. 847 of 1998 of the President of the Council of Ministers set up the national technical committee for international cooperation. Its members include the Ministry of the Interior, the Foreign Ministry, the Ministry of Justice, the Public Prosecution Service and the National Security Apparatus. Its task is to cooperate with various States in combating terrorism.
- Bilateral and multilateral agreements have been signed between Egypt and a number of other States governing exchanges of information and common measures in combating terrorism.
- Egypt participates in all international conferences and symposia which discuss combating terrorism and the links between this phenomenon and other crimes and criminal acts.

9. Subparagraph 3 (c)

Question

Please provide a list of the relevant bilateral agreements to which Egypt is a party.

Reply

The Arab Republic of Egypt has concluded a number of judicial cooperation agreements on crime with Arab, African and other States, as shown in the following table:

Table of cooperation agreements relating to crime signed between the Arab Republic of Egypt and Arab and non-Arab States

I. Non-Arab States

No.	*State*	*Area of agreement*	*Comments*
1	France	Judicial cooperation agreement on crime	
2	Greece	Agreement concerning the extradition of criminals	
3	Turkey	Agreement for the transfer of sentenced persons	
4	Greece	Judicial cooperation agreement on crime	
5	Greece	Agreement concerning the transfer of sentenced persons	
6	Hungary	Judicial cooperation agreement on crime	
7	Poland	Two judicial cooperation agreements (a) on crime and (b) on the transfer of sentenced persons and the extradition of criminals	
8	Cyprus	Two judicial cooperation agreements in civil and criminal matters (a) the transfer of sentenced persons and (b) the extradition of sentenced persons	
9	United Kingdom of Great Britain and Northern Ireland	Agreement on the transfer of sentenced persons	
10	Spain	Agreement on the transfer of sentenced persons	
11	Pakistan	Agreement on the extradition of sentenced persons	
12	China	Judicial cooperation agreement in civil, commercial and criminal matters (a) judicial assistance in civil matters	
13	Switzerland	Judicial cooperation agreement on crime	
14	Italy	Judicial assistance agreement on crime	
15	Italy	Agreement concerning the transfer of sentenced persons	
16	Italy	Agreement concerning the extradition of criminals	
17	Malta	Agreement on the transfer of sentenced persons	
18	Albania	Agreement on the extradition of criminals	

II. Arab and African States

No	*State*	*Area of agreement*	*Provisions concerning crime*	*Comments*
1	Sudan	Reciprocal notification of judicial documents and the extradition of perpetrators of crimes	Article 2 of the agreement	
2	Algeria	Reciprocal aid and legal and judicial cooperation	Chapter 6 of the Agreement concerning the extradition of criminals	
3	Iraq	Reciprocal aid and legal and judicial cooperation	Chapter 4 of the Agreement concerning the extradition of criminals	
4	Tunisia	Legal and judicial cooperation agreement in civil, commercial, personal status and criminal matters	Chapter 6 of the Agreement concerning the extradition of criminals	
5	Kuwait	Legal and judicial cooperation agreement in civil, commercial and criminal matters	Chapter 6 of the Agreement concerning the extradition of criminals, article 26:56	
6	Morocco	Judicial cooperation agreement concerning crime and the extradition of criminals		
7	Bahrain	Agreement for the transfer of sentenced persons		
8	Kuwait	Agreement for the transfer of sentenced persons		
9	Libya	Judicial cooperation agreement in civil and criminal matters (a) the extradition of criminals (b) the transfer of sentenced persons	Section 5, article 49:67, section 6, article 68:91	

10. Subparagraphs 3 (d) and (e)

Question

Please provide a report on progress with the ratification of the Conventions referred to in paragraph 29 of the report. What are the intentions of Egypt in regard to ratification of the Convention on the Physical Protection of Nuclear Material of 1979?

Reply

Egypt has ratified the overwhelming majority of the international conventions relating to terrorism concluded within the framework of the United Nations. As far as the Convention on the Physical Protection of Nuclear Material is concerned, there is an imbalance in the Convention between the State through which the material passes and the State transporting such material in terms of the division of financial responsibilities in protecting nuclear material. This imposes an enormous financial and technical burden on Egypt in ensuring the security of and protecting this material, especially given the possibility of it passing through the Suez Canal, which is located in Egyptian territory. Egypt addresses the problem of protecting nuclear material passing through its territory on the basis of an agreement with the transporting State on a case-by-case basis.

Question

Please outline how Egypt gives effect to those conventions and protocols which it has already ratified. Are separate enactments required, or are the instruments incorporated into existing law?

Reply

The measures Egypt is taking to give effect to those conventions and protocols which it has already ratified are as follows:

Article 151 of the Egyptian Constitution provides that:

- The President of the Republic shall sign conventions and transmit them to the People's Assembly, accompanied by appropriate comments. They shall enter into effect after they have been signed, ratified and published in accordance with established procedures.
- Since other agreements signed and ratified by Egypt become part of domestic law and apply like any other laws, no additional measures are required for their incorporation into national legislation.

Question

Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral extradition treaties to which Egypt is party?

Reply

The Egyptian Ministry of Justice has made it a practice, with regard to the legal cooperation agreements concluded by it on crime and the extradition of criminals, to provide that crimes of terrorism are not to be considered political crimes for which extradition will be denied. Such agreements, by way of example and without limitation, include those contained in article 6 of the Convention on the

Extradition of Criminals between the Government of the Arab Republic of Egypt and the Government of the Italian Republic and in Article 4 of the Convention on the Extradition of Criminals between the Government of Egypt and the Government of South Africa.

11. Subparagraph 3 (g)

Question

How does Egypt fulfil the requirements of this subparagraph, particularly in regard to those who are given refugee status?

Reply

Decision No. 331 of 1980 of the President of the Arab Republic of Egypt was promulgated in compliance with the United Nations Convention relating to the Status of Refugees signed in Geneva on 28 July 1951, and was published in Official Gazette No. 48 of 26 November 1981. Since the date of its accession to this Convention, the Egyptian Government has abided by all the provisions thereof in its treatment of refugees, and in particular taken the necessary measures to comply with the definition of the term "refugee" in article 1 of the Convention, which provides that "... this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations."

Article 53 of the Egyptian Constitution prohibits the extradition of political refugees. Egypt would like the conventions it concludes respecting terrorism to include provisions ensuring that terrorist crimes are not considered as a kind of political crime.

Question

Please indicate whether Egypt has an extradition law, or whether extradition is contingent on the existence of bilateral treaties.

Reply

The Arab Republic of Egypt does everything within its power to provide assistance whenever it receives a request relating to judicial cooperation on crime. The bilateral and multilateral agreements to which Egypt is a party form the legislative framework which the Egyptian authorities respect in this matter.

A judicial cooperation bill is currently being drawn up regarding the extradition of criminals to supplement a number of existing bilateral conventions on the extradition of criminals concluded with European, African and Arab States, as indicated in subparagraph 3.

12. Paragraph 4

Question

Has Egypt addressed any of the concerns expressed in paragraph 4 of the Resolution? (Paragraph 4 of the Security Council resolution reads as follows: *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical and biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security).

Reply

Egypt understood from an early stage the danger posed by the links between international terrorism and transnational organized crime, as indicated below:

- Egypt signed the Convention Against Transnational Organized Crime (Palermo, December 2000);
- Egypt was one of the first States to draw the attention of the international community to the links between organized crime and terrorism. For example, it has endeavoured — though Egyptian delegations at international conferences — to emphasize these links, firstly at the World Ministerial Conference on Organized Transnational Crime (Naples, 1994) and subsequently at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Cairo, 1995) and the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Vienna, April 2000).

13. Other matters

Question

Could Egypt please provide an organizational chart of its administrative machinery (such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Reply

Please consult the Ministry of the Interior's organizational chart on the government services' Internet web site. Its address is:

http://www.alhokoma.gov.eg/ministry-profile-asp ? Ministry iD = 21& partiD=3.

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Security Council

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Letter dated 28 May 2002 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the private meeting of the Security Council to be held on Friday, 31 May 2002, regarding the wrap-up session on the work of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

02-40530 (E) 300502

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Security Council

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30 May 2002

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Procedural developments in the Security Council — 2001

Note by the President of the Security Council

The members of the Security Council, in the spirit of promoting greater transparency concerning developments in the work of the Council, have agreed that the attached report prepared by the Secretariat on procedural developments in the Council in 2001, should be circulated as a Security Council document to provide information for the use of non-Members of the Council.

02-40636 (E) 030602

PROCEDURAL DEVELOPMENTS IN THE SECURITY COUNCIL - 2001
EXECUTIVE SUMMARY

This report documents developments in the procedure and working methods of the Security Council in 2001, many of which served to promote transparency, openness and efficiency.

Transparency

Concern for transparency led to changes in the Council's practice regarding the format of its meetings and the provision of information on its activities.

In 2001, the Council held its lowest number of consultations of the whole since 1992 (183) and its highest number of formal meetings since its inception (192). While the number of private meetings (33) was at an all time high, the number of public meetings (159) was nonetheless the fourth highest in the Council's history. It included numerous open briefings and four wrap-up sessions. The Council also introduced a new, "hybrid", type of meeting, i.e., a private meeting open to the entire membership of the Organization. At least four such private meetings took place, which non-members were able to attend without being invited by the President on the basis of letters of request for participation.

In accordance with a note issued by the Council in June 2001, the Secretariat began the practice of issuing all press statements made by the President on behalf of the Council as press releases. With respect to subsidiary organs, the Counter-Terrorism Committee, established in September 2001, included in its work programme several measures aimed at "Transparency in the work of the Committee". It was subsequently commended for the extensive briefings it provided to non-members.

Openness

Going beyond transparency, the Security Council sought to enhance its relations with other organs and with non-Council members, especially troop-contributing countries (TCCs), and to consult more frequently with external actors, including non-governmental organizations (NGOs).

For the second consecutive year, the Council was briefed by the President of the International Court of Justice, who stressed the need for closer cooperation between the Court and the Council.

With respect to cooperation with TCCs, a presidential statement of 31 January 2001 established a Working Group on Peacekeeping Operations tasked, *inter alia,* with considering all proposals made during the debate of 16 January 2001 and reporting by the end of April. Resolution 1353 (2001) of 13 June provided, *inter alia,* for public or private meetings of the Council with the participation of TCCs. Eight private meetings were held with TCCs in the last four months of the year.

More generally, efforts were made to strengthen relations with non-members and to take their views into account. For instance, non-members were occasionally given the opportunity to speak before Council members in formal meetings. In addition, reference was made in two presidential statements to prior public debates, an implicit acknowledgement of their bearing on the decisions later taken by the Security Council.

The Council also reached out to civil society, holding more Arria-formula meetings with NGOs than ever before.

Efficiency

In the interests of greater efficiency, the Council took a number of measures to improve the quality of its information, the conduct of its debates and the implementation of its decisions.

With respect to information, the Council requested the Secretariat to provide it with more analytical briefings, after circulating fact sheets containing basic data. Since April, 23 fact sheets were circulated, 9 of which were regularly provided on the situation in Burundi. The Council also continued its recent practice of going on mission to areas under its consideration, partly to obtain first-hand information about the situation on the ground. In 2001, it conducted two missions to the Great Lakes and Kosovo. The mission to Kosovo was the first one to comprise all the Council members and to be led by its President.

Efforts were also made to encourage more focused and interactive debates. In a debate on "Protection of civilians in armed conflict" on 23 April, several speakers acceded to the President's wish that statements be "focused and operational" and limited to 5 minutes, on the understanding that longer statements could be included in the verbatim records. In several meetings during the year, including all private meetings with TCCs, interactive debate took place at the initiative, or with the support, of the President.

Lastly, steps were taken or considered to improve the capacity of the Council to monitor compliance with sanctions regimes and the implementation of counter-terrorism measures. Although not deployed due to subsequent developments, the field component of the Monitoring Mechanism for Afghanistan constituted a major innovation in this regard.

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REPORT

CHAPTER I: MEETINGS

I. Format of meetings

1. **Formal meetings and consultations** – During 2001, the Security Council held 192 formal meetings, not including resumptions. This was the highest number of formal meetings held by the Council during a one-year period since its inception.[1] Of those meetings 159 were public and 33 were private.[2] Almost 70 of the public meetings consisted of open briefings and debates.[3] During the year, there were numerous occasions where a public meeting was followed by a private meeting on the same item. On occasion, a private meeting, held after a public meeting, was followed by a second public meeting to adopt a decision of the Council.[4] Council members also met in informal consultations and other formats, such as Arria-formula meetings.[5] The number of informal consultations held in 2001 was the lowest since 1991.[6]

2. **Private meetings open to all non-members** – Private meetings held in January,[7] September[8] and October[9] were announced in the *Daily Journal* as being "open to non-members of the Security Council who wish[ed] to attend".[10] Consequently, non-members attended these meetings without having to submit a letter of request for participation. This format had no precedent in the history of the Council.

3. **Wrap-up meetings** – In June, the Council met in public[11] for the first time to evaluate procedural and substantive aspects of its work during the month.[12] Public "wrap-up sessions" were also held in August,[13] November[14] and December[15] 2001. All four meetings were restricted to contributions by the 15 Council members. Prior to the August and November meetings, the President circulated papers[16] that clarified the objectives for the meetings and contained suggestions for issues to be discussed.

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[1] Since 1992 the average number of formal meetings held annually by the Council has increased significantly. Prior to 1992 the Council met, on average, 66 times a year (with the number of meetings per annum ranging from 5 in 1959 to 171 in 1948). Since 1992 the Council has met, on average, 142 times a year (with the number of meetings per annum ranging from 114 in 1996 to 192 in 2001).

[2] See Annex I.

[3] The remaining public meetings were predominantly devoted to adopting Council decisions. Eighty-nine public meetings led to 91 positive decisions (52 resolutions and 39 presidential statements): See Annex II. Two negative decisions were taken during 2001.

[4] See S/PV.4406, S/PV.4407, S/PV.4408 and S/PV.4410, S/PV.4411, S/PV.4412.

[5] See para. 4 below.

[6] The Council met in informal consultations 183 times in 2001. This was the lowest number of informal consultations since 1991 (when the Council met 115 times). In the last 14 years, the number of times the Council has met in informal consultations has ranged from 62 times in 1988 to 273 times in 1994. Source: Secretariat Branch.

[7] S/PV.4266.

[8] S/PV.4364 and S/PV.4373.

[9] S/PV.4400.

[10] See *Journal of the United Nations*, No. 2001/19 (PART II); No. 2001/170; No. 2001/178; and No. 2001/209.

[11] Previously, the Council had on occasion reflected on its work in informal consultations.

[12] S/PV.4343.

[13] S/PV.4363.

[14] S/PV.4432.

[15] S/PV.4445.

[16] The August paper was published as a SC document: S/2001/822, Annex. The November paper was circulated to members informally; the President also prepared an advance statement on the wrap-up, which was issued as S/2001/1140, Annex.

4. **Arria-formula meetings** – In 2001, Council members held 11 Arria-formula meetings, six of which were with representatives of NGOs.[17] Mention should also be made of the Arria-formula meeting held on 6 March with the Secretary General of NATO. This was the first time a NATO Secretary General met with Council members.

II. Participation

5. **Invitations**

(i) In continuation of past practice, Member States, including government officials who briefed the Security Council, were invited under rule 37 of the *Provisional Rules of Procedure*.[18] The Permanent Observer of Palestine was invited "in accordance with the rules of procedure and the previous practice in this regard".[19] Secretariat officials or other persons competent to provide information to the Council were invited under rule 39 of the *Provisional Rules of Procedure*.[20]

(ii) In three distinct contexts, invitations were extended "in accordance with the understanding reached in the Council's prior consultations". This formula was used to invite, respectively, the President of the Democratic Republic of the Congo and the President of Rwanda in February,[21] the Prime Minister of the Transitional National Government of Somalia in January[22], and the Permanent Observer of Switzerland in March and April.[23]

(iii) In December, following the Bonn Agreement, the representative of Afghanistan was invited without reference to the Charter, rules of procedure or prior consultations.[24]

(iv) On four occasions, a Council member was invited under rule 39 in his capacity as Chairman of a subsidiary organ and seated at a seat reserved for him at the Council table.[25]

(v) TCCs were not invited under rule 37 when the Council met with them in accordance with resolution 1353 (2001).[26] They attended in accordance with prior letters of invitation from the President.

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[17] Source: Secretariat Branch statistics. From 1993 to 2000, Council members held over 70 Arria-formula meetings, only three of which were with representatives of NGOs (one in 1996 and two in 2000).

[18] Rule 37 of the *Provisional Rules of Procedure of the Security Council* states: "Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35(1) of the Charter."

[19] S/PV.4293, S/PV.4295, S/PV.4305, S/PV.4334, S/PV.4357, S/PV.4438.

[20] Rule 39 of the *Provisional Rules of Procedure of the SC* states: "The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence."

[21] S/PV.4271 and S/PV.4273. The Council's practice regarding invitations to Heads of State has not been consistent. See for instance: 1627th meeting held in Addis-Ababa, at which Emperor Haile Selassie of Ethiopia and the President of Mauritania were invited without any rule of procedure being invoked; and 2335th meeting and 3346th meeting at which Mr. Ortega, Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, and Mr. Shevardnadze, Head of State of Georgia, respectively, were invited under rule 37. It is clear, however, that, although not always spelt out, invitations to Heads of State are extended under rule 37.

[22] S/PV.4254

[23] S/PV.4264, S/PV.4286, S/PV.4312. During the 4286th and 4312th meetings, Switzerland was invited to participate in the discussion without the right to vote "in accordance with the understanding reached in the Council's prior consultations". No basis was invoked for Switzerland's invitation at the 4264th meeting.

[24] S/PV.4434 and S/PV/4443

[25] S/PV.4264, S/PV.4283, S/PV.4325 and S/PV.4405. This practice was first agreed upon on the condition that it would not set a precedent.

[26] S/PV.4369, S/PV.4371, S/PV.4386, S/PV.4391, S/PV.4397, S/PV.4425, S/PV.4426 and S/PV.4435. See further discussion on the TCCs meetings below at para. 37.

6. **Participation in the discussion**

(i) At one open briefing,[27] the President announced that, "if [non-members] [had] points that they would like to raise, they [could] ask a friendly member of the Council to raise those questions". A non- member subsequently asked the briefer several questions through a member of the Council.

(ii) At several private and public meetings[28] held during the year for briefing purposes, non-members were invited to attend, but did not speak. At the two public meetings where this occurred, the non-members did not speak by prior arrangement.[29] At the majority of the private meetings, numerous non-members were invited but only one or two spoke.[30] At two of the private meetings almost all the non-members spoke.[31]

(iii) As per past practice, there were several occasions where an individual addressed the Council, as previously agreed, without being formally invited. At an open debate on Liberia, the Chairman of the Sanctions Committee, invited under rule 39, introduced the Chairman of the Panel of Experts who presented the Panel's report to the Council without being formally invited.[32] At the open debate on Children and Armed Conflict, the Executive Director of UNICEF, invited under rule 39, introduced a child soldier from Sierra Leone, who addressed the Council without being formally invited.[33]

[27] S/PV.4308.

[28] S/PV.4276, S/PV.4286, S/PV.4299, S/PV.4358, S/PV.4406, S/PV.4407, S/PV.4410 and S/PV.4411.

[29] S/PV.4406 and S/PV.4410.

[30] At the 4276th meeting 7 non-members were invited, none of them spoke; at the 4286th meeting 16 non-members were invited, only one spoke (on behalf of the European Union); at the 4299th meeting 20 non-members were invited, only two spoke (one on behalf of the European Union); at the 4358th meeting 17 non-members were invited, only one spoke.

[31] S/PV.4407 and S/PV.4411.

[32] S/PV.4405

[33] S/PV.4422

CHAPTER II: CONDUCT OF MEETINGS

I. Order of speakers

7. **List of speakers** – In June, the President formally announced the date and time of the opening of the list of speakers prior to any formal meeting. This information was also published in the *Daily Journal*.

In a number of instances,[34] the Council members proceeded to the discussion of the item on the agenda without a pre-established list of speakers. In November, during the private meetings on the situations in Burundi[35] and the DRC[36] for which there was no pre-established list of speakers, the President asked a non-member, Uganda and Angola, respectively, to nominate the order of non-member speakers. The meetings progressed with Council members and non-member speakers interspersed.

In the same month, the speakers' list for Council members was established by drawing lots up to three working days in advance of a meeting. In the case of an urgent meeting, the lots were drawn before the provisional adoption of the agenda in informal consultations. This arrangement continued into the month of December.

8. **Order of speakers**

(i) During the open debate on strengthening cooperation with TCCs,[37] the Council members departed from their customary practice of speaking before non-members. During that debate, which was held over two sessions, most TCCs spoke during the morning session. In the afternoon session, the Council members spoke first, followed by the remaining TCCs. During the open debate on ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa,[38] non-members spoke first. Similarly, during public meetings on the situation concerning the DRC[39] and the situation concerning the Great Lakes region,[40] non-members were invited to speak before Council members.

(ii) At an open briefing on the situation concerning the DRC,[41] the President made a statement in his national capacity after all the non-members invited under rule 37 had spoken.

II. Interventions

9. **Interactive dialogue**

(i) At open and private briefings during April, the President dispensed with a pre-established list of speakers and called upon the briefers to respond to questions and comments soon after they arose, rather than at the end of the meeting.[42] In subsequent months, an interactive style of

[34] For example, during April, July, September, October and November.
[35] S/PV.4407.
[36] S/PV.4411.
[37] S/PV.4257.
[38] S/PV.4288.
[39] S/PV.4317. Upon resumption of the meeting, the remaining non-members were invited to speak after all Council members had spoken.
[40] S/PV.4323.
[41] S/PV.4327.
[42] S/PV.4312. During an open briefing on the same item in November (S/PV.4424) there was no fixed list of speakers. At that meeting, the Under-Secretary-General for Humanitarian Affairs was invited to respond to questions both during and at the conclusion of the meeting.

debate was occasionally utilized,[43] with members and non-members being encouraged to ask and respond to questions during the course of the meeting.

(ii) Meetings with TCCs were also meant to be interactive, with members and non-members indicating their desire to speak as the meeting progressed and the Secretariat responding to questions as they arose during the meeting.[44]

10. **Joint statement of members** – During August, at the open debate on small arms,[45] one Council member announced that he had prepared a joint statement with another Council member.

11. **Focused and operational interventions** – During April, the President circulated a note to all permanent and observer missions in which he elaborated certain guidelines,[46] on both form and substance, which might be followed in the forthcoming debate on the protection of civilians in armed conflict.[47] In particular, he requested delegations to consider preparing "focused and operational statements of no more than five minutes . . . clearly relevant to the issues arising from the Secretary-General's report" on the subject. During the debate,[48] he further suggested that any speaker could make arrangements with the Secretariat "to get their written speech into the record if they wish[ed] to shorten it in their oral remarks". Subsequently, two non-members read out abridged versions of their respective statements, the full texts of which were circulated.[49] Several other members and non-members announced their intention to make interventions that were in conformity with the President's guidelines.

III: Voting

12. **Voting procedures**

(i) During April and in subsequent months, there was no call for negative votes after a unanimous vote in favour of a draft resolution. This was in conformity with the President's working methods for the month of April,[50] which stipulated that during Council votes, if all 15 members had voted in favour, the President would not ask for negative votes or abstentions.

(ii) At a private meeting[51] in June, the Council adopted by acclamation resolution 1358 (2001), by which, *inter alia*, it recommended to the General Assembly that Mr. Kofi Annan be appointed Secretary-General of the United Nations for a second term of office. This was the third resolution adopted by acclamation in the Security Council. In 1996, the Security Council had adopted by acclamation a resolution recommending Mr. Kofi Annan's appointment as Secretary-General of the United Nations and a resolution recognizing Dr. Boutros Boutros-Ghali's service to the United Nations.[52]

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[43] See for example: S/PV.4420; S/PV.4424; S/PV.4429; S/PV.4358.

[44] S/PV.4369, S/PV.4371, S/PV.4386, S/PV.4391, S/PV.4397, S/PV.4425, S/PV.4426 and S/PV.4435. See further discussion on the TCCs meetings below at para. 37.

[45] S/PV.4362.

[46] A revised version of these guidelines was subsequently circulated in S/2001/596.

[47] Guidelines of a purely substantive nature were also issued for the 4272nd meeting (S/2001/82) and the 4288th meeting (S/2001/185).

[48] S/PV.4312.

[49] Similarly, at the 4370th meeting on "Threats to international peace and security caused by terrorist acts", the President announced that statements by 10 non-members would be subsequently circulated as annexes to a note by the President (S/2001/864).

[50] S/2001/596, Annex.

[51] S/PV.4337.

[52] S/RES/1090 (1996) and S/RES/1091 (1996). See also S/PV.3725.

(iii) At a public meeting on threats to international peace and security caused by terrorist acts,[53] the President asked the members of the Council to adopt resolution 1368 (2001) by standing rather than raising their hands, in order to "show unity in the face of the scourge of terrorism".

[53] S/PV.4370.

CHAPTER III: THE PRESIDENCY

13. **Objectives of the presidency** – In November, the President outlined her objectives for the month in a paper that was distributed to all Member States.[54] It was the first time that a President's statement of objectives had been published as a Security Council document.

14. **Presidential website** – At the beginning of November, at the request of the President, a new presidential website was launched by the Secretariat.[55] It supplemented websites maintained by individual presidencies and was designed to provide easy access to up-to-date information on the Council's work and decisions.

15. **Nature of introductory and concluding statements by the President** – At two open debates on thematic issues[56], two open briefings[57] and one public debate[58], the President made introductory and/or concluding remarks that were not made in his national capacity, or explicitly on behalf of the Council.

[54] S/2001/1055.
[55] http://www.un.org./Docs/sc/presidency
[56] S/PV.4257 and S/PV.4272.
[57] S/PV.4308 and S/PV.4309.
[58] S/PV.4439.

CHAPTER IV: SUBSIDIARY ORGANS

I. Security Council Missions

16. **Security Council missions** – The Council conducted two missions away from Headquarters during 2001: to the Great Lakes Region in May[59] and to Kosovo, Federal Republic of Yugoslavia (FRY) in June.[60] The Kosovo, FRY mission was the first mission to be led by the Council President and to comprise all 15 members of the Security Council.

II. Sanctions Monitoring Mechanisms

17. **Innovative sanctions monitoring mechanism** – In July,[61] the Council unanimously adopted resolution 1363 (2001), by which, *inter alia*, it requested the Secretary-General to establish a mechanism to monitor the implementation of the sanctions regime in Afghanistan.[62] Under the resolution, the mechanism was composed of two parts: (i) a Monitoring Group of five experts, based in New York; and (ii) a Sanctions Enforcement Support Team (under the coordination of the Monitoring Group) of up to 15 members, to be located in the States bordering the territory of Afghanistan, in full consultation and cooperation with those States. In accordance with paragraph 3 of resolution 1363 (2001), the monitoring mechanism was established and became operational. However, due to developments on the ground, the support teams were not deployed.

III. Counter-Terrorism Committee

18. **Counter-Terrorism Committee (CTC)** – In September, the Council unanimously adopted resolution 1373 (2001), by which, *inter alia*, it decided to establish a Committee to monitor implementation of that resolution. This was the first time the Council established a committee with a global reach. The Committee[63] held 11 briefings for non-members in 2001 and maintains its own website.[64]

IV. Work of subsidiary organs after expiration of their mandates

19. **Work continued after expiration of mandates** - In 2001, there were three instances in which the work of a subsidiary organ of the Council extended beyond the formal expiration of its mandate. In the first case, the mandate of the Council's Working Group on General Issues of Sanctions expired on 31 January. However, at subsequent consultations, Council members concurred that the Group's Chairman should continue his efforts to obtain a consensus on a final report entitled "Chairman's proposed outcome". In the second case, after the arms embargo against Eritrea and Ethiopia expired on 16 May pursuant to resolution 1298 (2000),[65] Council members considered how to proceed with respect to a possible violation which had occurred while the embargo was still in effect. The former Chairman of the Eritrea-Ethiopia Sanctions Committee was subsequently authorized, in a letter[66] from the Council President, to continue to work with the President of the Security Council and former members of the Committee to conclude work on the outstanding case and to report thereon. The report on this matter was transmitted

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[59] 15-26 May, 2001.

[60] 16-18 June, 2001.

[61] S/PV.4352.

[62] This was in line with the recommendations made in the Report of the Committee of Experts, regarding the monitoring of the arms embargo against the Taliban and the closure of terrorist training camps: S/2001/511.

[63] The CTC bureau was appointed on 4 October (S/2001/935), and the Committee's first 90-day workplan (S/2001/986) was approved by the Council that same month (S/2001/999).

[64] http://www.un.org/Docs/sc/committees/1373

[65] The expiration of the arms embargo was confirmed by presidential statement S/PRST/2001/14 of 15 May 2001.

[66] Not published as an official document.

to the President by a letter[67] signed by the Permanent Representative of Mauritius, whose predecessor had served as Chairman of the Committee before its dissolution. In the third case, the Council, by its resolution 1367 (2001) of 10 September, terminated the arms embargo against the Federal Republic of Yugoslavia, including Kosovo, and dissolved the related sanctions committee. The Council President thereupon wrote a letter[68] to the formér Committee Chairperson authorizing her to work with the President of the Security Council and former members of the Committee to prepare and submit a final report. By a letter[69] to the President, which she signed as the Permanent Representative of Jamaica, the former Chairperson transmitted a report covering major activities of the Committee established pursuant to resolution 1160 (1998) from 1 January to 10 September 2001.

[67] Not published as an official document.
[68] Not published as an official document.
[69] S/2001/931.

CHAPTER V: RELATIONS WITH OTHER ORGANS

I. General Assembly

20. **Meeting with the OEWG** – In June, the President of the Council and two Council members[70] represented the Council at a meeting of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council (OEWG). It was the second time[71] that Council members had taken part in a meeting of the OEWG.[72]

II. International Court of Justice

21. **Briefing by President** – In October, the President of the International Court of Justice briefed the Council for the second time in its history.[73]

III. Secretariat

22. **Secretariat briefings** – In April 2001, the President initiated the practice of asking the Secretariat to circulate fact sheets to Council members.[74] During the August wrap-up meeting, several members commented favourably on the increasing practice of circulating fact sheets prior to consultations.

23. **Elements for the noon briefing** –Since April, the Secretariat has informed Council members in advance of issues to be raised at the daily noon briefing by the Spokesman's office.

24. **Communication of press statements** – In July 2001, the Secretariat began the practice of issuing all press statements made by the President on behalf of the Council as press releases.[75] This was in accordance with a note[76] issued by the Council in June 2001, which dealt with strengthening and clarifying the procedures to be followed when communicating the Council's decisions and press statements to the parties concerned.[77]

25. **Periodic reports of the Secretary-General on prevention of armed conflict** – In August 2001, the Security Council adopted resolution 1366 (2001) on the role of the Security Council in the prevention of armed conflict, in which it, *inter alia*, "Express[ed] its willingness to give prompt consideration to early warning or prevention cases brought to its attention by the Secretary-General and in this regard, encourag[ed] the Secretary-General to convey to the Security Council his assessment of potential threats to international peace and security ... in accordance with Article 99 of the Charter".[78] No formal reports of this nature were issued during 2001.

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[70] Bangladesh, Colombia and the United Kingdom.

[71] The first time was in March 2000.

[72] A/55/47.

[73] The first time was at the 4212th meeting on 31 October 2000.

[74] The April Presidency's paper on working methods envisaged that, "the Secretariat will be asked to produce fact sheets in advance of oral briefings so that the latter can concentrate on analysis".

[75] Prior to July 2001, press statements were issued as press releases upon request, usually by the President of the SC.

[76] S/2001/640.

[77] The note stipulated, *inter alia*, that: (i) the President of the SC should, when requested by Council members, draw the attention of the concerned parties to relevant Council decisions and press statements; (ii) the Secretariat should continue to bring to the knowledge of those concerned relevant Council decisions and press statements and ensure their promptest communication and widest possible dissemination; and (iii) the Secretariat should issue, as United Nations press releases, all press statements made by the President on behalf of the Council upon clearance by the President.

[78] This was in line with the Secretary-General's proposal in his report on the Prevention of Armed Conflict: S/2001/574. During

26. **Appointment of Secretary-General** – On 27 June, the Security Council formally nominated Mr. Kofi Annan for a second five-year term as Secretary-General. The nomination took place several months before the expiry of his first term of office.

the open debate on the role of the Council in prevention of armed conflict, numerous member and non-member States had welcomed and endorsed the Secretary-General's proposal: S/PV.4334.

CHAPTER VI: RELATIONS WITH TROOP-CONTRIBUTING COUNTRIES

27. **Presidential Statement of 31 January 2001** – On 16 January, the Council held an open debate on strengthening cooperation with TCCs.[79] On 31 January, the Council adopted a presidential statement,[80] which established a Working Group on Peacekeeping Operations to address both generic peacekeeping issues and technical aspects of individual operations.

28. **Resolution 1353 (2001)** – On 13 June 2001, the Council adopted resolution 1353 (2001) on cooperation with TCCs which stipulated, *inter alia*, that the Council would hold public or private meetings with the participation of TCCs to ensure a full and high-level consideration of issues of critical importance to specific peacekeeping operations.[81] In addition, it provided that consultation meetings with TCCs chaired by the President of the Council would continue as the principal means of consultation.[82]

29. **Implementation of resolution 1353 (2001)** - During September,[83] October,[84] November[85] and December[86] the Council met privately with TCCs in accordance with resolution 1353 (2001), Annex II, A. The President of the Council also chaired consultation meetings with the TCCs during the year.[87] In December, the Working Group on Peacekeeping Operations submitted its third report, which contained an assessment[88] of the implementation of resolution 1353 (2001), pursuant to paragraph 3 of that resolution.

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[79] S/PV.4257.
[80] S/PRST/2001/3.
[81] S/RES/1353 (2001), Annex II, A.
[82] S/RES/1353 (2001), Annex II, B.
[83] S/PV.4369 and S/PV.4371.
[84] S/PV.4386, S/PV.4391 and S/PV.4397.
[85] S/PV.4425 and S/PV.4426.
[86] S/PV.4435.
[87] Provided for in resolution 1353 (2001), Annex II, B.
[88] S/2001/1335, Annex.

Annex I

Formal Meetings held by the Security Council in 2001

	Formal meetings	Public meetings	Private meetings
January	17	15	2
February	14	11	3
March	23	18	5
April	9	8	1
May	7	7	0
June	20	18	2
July	11	11	0
August	9	8	1
September	22	16	6
October	19	14	5
November	28	21	7
December	13	12	1
TOTAL	192	159	33

These figures do not include resumptions.

Annex II

Decisions adopted by the Security Council in 2001

	Meetings in which decisions were taken	Resolutions	Presidential statements
January	8	5	3
February	5	3	2
March	12**	5	6
April	4	3	1
May	3*	1	3
June	10	8	2
July	8	6	2
August	3	1	2
September	12	7	5
October	8	2	6
November	11*	7	5
December	7**	4	2
TOTAL	91	52	39

* Both a resolution and a presidential statement were adopted at the 4322nd and 4428th meetings.

** Includes 4305th and 4438th meetings at which decisions were taken to reject draft resolutions. Both of these draft resolutions failed of adoption owing to a negative vote of a permanent member. At the 4305th meeting, one member did not participate in the vote.

Annex III

Presidency of the Security Council in 2001

January	Singapore
February	Tunisia
March	Ukraine
April	United Kingdom
May	United States
June	Bangladesh
July	China
August	Colombia
September	France
October	Ireland
November	Jamaica
December	Mali

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Security Council

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Note by the President of the Security Council

The members of the Security Council, in the spirit of promoting greater transparency concerning developments in the work of the Council, have agreed that the attached report prepared by the Secretariat on procedural developments in the Council in 2001, should be circulated as a Security Council document to provide information for the use of non-Members of the Council.

* Reissued for technical reasons.

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Procedural developments in the Security Council — 2001

Executive summary

The present report documents developments in the procedure and working methods of the Security Council in 2001, many of which served to promote transparency, openness and efficiency.

Transparency

Concern for transparency led to changes in the Security Council's practice regarding the format of its meetings and the provision of information on its activities.

In 2001, the Council held its lowest number of consultations of the whole since 1992 (183) and its highest number of formal meetings since its inception (192). While the number of private meetings (33) was at an all time high, the number of public meetings (159) was nonetheless the fourth highest in the Council's history. It included numerous open briefings and four wrap-up sessions. The Council also introduced a new, "hybrid", type of meeting, that is, a private meeting open to the entire membership of the Organization. At least four such private meetings took place, which non-members were able to attend without being invited by the President on the basis of letters of request for participation.

In accordance with a note issued by the Security Council in June 2001, the Secretariat began the practice of issuing all press statements made by the President on behalf of the Council as press releases. With respect to subsidiary organs, the Counter-Terrorism Committee, established in September 2001, included in its work programme several measures aimed at "Transparency in the work of the Committee". It was subsequently commended for the extensive briefings it provided to non-members.

Openness

Going beyond transparency, the Security Council sought to enhance its relations with other organs and with non-Council members, especially troop-contributing countries, and to consult more frequently with external actors, including non-governmental organizations (NGOs).

For the second consecutive year, the Security Council was briefed by the President of the International Court of Justice, who stressed the need for closer cooperation between the Court and the Council.

With respect to cooperation with troop-contributing countries, a presidential statement of 31 January 2001 established a Working Group on Peacekeeping Operations tasked, inter alia, with considering all proposals made during the debate of 16 January 2001 and reporting by the end of April. Resolution 1353 (2001) of 13 June provided, inter alia, for public or private meetings of the Council with the participation of troop-contributing countries. Eight private meetings were held with troop-contributing countries in the last four months of the year.

More generally, efforts were made to strengthen relations with non-members and to take their views into account. For instance, non-members were occasionally given the opportunity to speak before Security Council members in formal meetings. In addition, reference was made in two presidential statements to prior public debates, an implicit acknowledgement of their bearing on the decisions later taken by the Council.

The Security Council also reached out to civil society, holding more Arria-formula meetings with NGOs than ever before.

Efficiency

In the interests of greater efficiency, the Security Council took a number of measures to improve the quality of its information, the conduct of its debates and the implementation of its decisions.

With respect to information, the Security Council requested the Secretariat to provide it with more analytical briefings, after circulating fact sheets containing basic data. Since April, 23 fact sheets were circulated, 9 of which were regularly provided on the situation in Burundi. The Council also continued its recent practice of going on mission to areas under its consideration, partly to obtain first-hand information about the situation on the ground. In 2001, it conducted two missions to the Great Lakes and Kosovo. The mission to Kosovo was the first one to comprise all the Council members and to be led by its President.

Efforts were also made to encourage more focused and interactive debates. In a debate on "Protection of civilians in armed conflict" on 23 April, several speakers acceded to the President's wish that statements be "focused and operational" and limited to 5 minutes, on the understanding that longer statements could be included in the verbatim records. In several meetings during the year, including all private meetings with troop-contributing countries, interactive debate took place at the initiative, or with the support, of the President.

Lastly, steps were taken or considered to improve the capacity of the Security Council to monitor compliance with sanctions regimes and the implementation of counter-terrorism measures. Although not deployed due to subsequent developments, the field component of the Monitoring Mechanism for Afghanistan constituted a major innovation in this regard.

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Report

Chapter I. Meetings

I. Format of meetings

1. **Formal meetings and consultations** – During 2001, the Security Council held 192 formal meetings, not including resumptions. This was the highest number of formal meetings held by the Council during a one-year period since its inception.[1] Of those meetings 159 were public and 33 were private.[2] Almost 70 of the public meetings consisted of open briefings and debates.[3] During the year, there were numerous occasions where a public meeting was followed by a private meeting on the same item. On occasion, a private meeting, held after a public meeting, was followed by a second public meeting to adopt a decision of the Council.[4] Council members also met in informal consultations and other formats, such as Arria-formula meetings.[5] The number of informal consultations held in 2001 was the lowest since 1991.[6]

2. **Private meetings open to all non-members** – Private meetings held in January,[7] September[8] and October[9] were announced in the *Daily Journal* as being "open to non-members of the Security Council who wish[ed] to attend".[10] Consequently, non-members attended these meetings without having to submit a letter of request for participation. This format had no precedent in the history of the Council.

3. **Wrap-up meetings** – In June, the Council met in public[11] for the first time to evaluate procedural and substantive aspects of its work during the month.[12] Public "wrap-up sessions" were also held in August,[13] November[14] and December[15] 2001. All four meetings were restricted to contributions by the 15 Council members. Prior to the August and November meetings, the President circulated papers[16] that clarified the objectives for the meetings and contained suggestions for issues to be discussed.

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[1] Since 1992 the average number of formal meetings held annually by the Council has increased significantly. Prior to 1992 the Council met, on average, 66 times a year (with the number of meetings per annum ranging from 5 in 1959 to 171 in 1948). Since 1992 the Council has met, on average, 142 times a year (with the number of meetings per annum ranging from 114 in 1996 to 192 in 2001).

[2] See Annex I.

[3] The remaining public meetings were predominantly devoted to adopting Council decisions. Eighty-nine public meetings led to 91 positive decisions (52 resolutions and 39 presidential statements): See Annex II. Two negative decisions were taken during 2001.

[4] See S/PV.4406, S/PV.4407, S/PV.4408 and S/PV.4410, S/PV.4411, S/PV.4412.

[5] See para. 4 below.

[6] The Council met in informal consultations 183 times in 2001. This was the lowest number of informal consultations since 1991 (when the Council met 115 times). In the last 14 years, the number of times the Council has met in informal consultations has ranged from 62 times in 1988 to 273 times in 1994. Source: Secretariat Branch.

[7] S/PV.4266.

[8] S/PV.4364 and S/PV.4373.

[9] S/PV.4400.

[10] See *Journal of the United Nations*, No. 2001/19 (PART II); No. 2001/170; No. 2001/178; and No. 2001/209.

[11] Previously, the Council had on occasion reflected on its work in informal consultations.

[12] S/PV.4343.

[13] S/PV.4363.

[14] S/PV.4432.

[15] S/PV.4445.

[16] The August paper was published as a SC document: S/2001/822, Annex. The November paper was circulated to members informally; the President also prepared an advance statement on the wrap-up, which was issued as S/2001/1140, Annex.

4. **Arria-formula meetings** – In 2001, Council members held 11 Arria-formula meetings, six of which were with representatives of NGOs.[17] Mention should also be made of the Arria-formula meeting held on 6 March with the Secretary General of NATO. This was the first time a NATO Secretary General met with Council members.

II. Participation

5. **Invitations**

(i) In continuation of past practice, Member States, including government officials who briefed the Security Council, were invited under rule 37 of the *Provisional Rules of Procedure*.[18] The Permanent Observer of Palestine was invited "in accordance with the rules of procedure and the previous practice in this regard".[19] Secretariat officials or other persons competent to provide information to the Council were invited under rule 39 of the *Provisional Rules of Procedure*.[20]

(ii) In three distinct contexts, invitations were extended "in accordance with the understanding reached in the Council's prior consultations". This formula was used to invite, respectively, the President of the Democratic Republic of the Congo and the President of Rwanda in February,[21] the Prime Minister of the Transitional National Government of Somalia in January[22], and the Permanent Observer of Switzerland in March and April.[23]

(iii) In December, following the Bonn Agreement, the representative of Afghanistan was invited without reference to the Charter, rules of procedure or prior consultations.[24]

(iv) On four occasions, a Council member was invited under rule 39 in his capacity as Chairman of a subsidiary organ and seated at a seat reserved for him at the Council table.[25]

(v) TCCs were not invited under rule 37 when the Council met with them in accordance with resolution 1353 (2001).[26] They attended in accordance with prior letters of invitation from the President.

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[17] Source: Secretariat Branch statistics. From 1993 to 2000, Council members held over 70 Arria-formula meetings, only three of which were with representatives of NGOs (one in 1996 and two in 2000).

[18] Rule 37 of the *Provisional Rules of Procedure of the Security Council* states: "Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35(1) of the Charter."

[19] S/PV.4293, S/PV.4295, S/PV.4305, S/PV.4334, S/PV.4357, S/PV.4438.

[20] Rule 39 of the *Provisional Rules of Procedure of the SC* states: "The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence."

[21] S/PV.4271 and S/PV.4273. The Council's practice regarding invitations to Heads of State has not been consistent. See for instance: 1627th meeting held in Addis-Ababa, at which Emperor Haile Selassie of Ethiopia and the President of Mauritania were invited without any rule of procedure being invoked; and 2335th meeting and 3346th meeting at which Mr. Ortega, Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, and Mr. Shevardnadze, Head of State of Georgia, respectively, were invited under rule 37. It is clear, however, that, although not always spelt out, invitations to Heads of State are extended under rule 37.

[22] S/PV.4254

[23] S/PV.4264, S/PV.4286, S/PV.4312. During the 4286th and 4312th meetings, Switzerland was invited to participate in the discussion without the right to vote "in accordance with the understanding reached in the Council's prior consultations". No basis was invoked for Switzerland's invitation at the 4264th meeting.

[24] S/PV.4434 and S/PV.4443.

[25] S/PV.4264, S/PV.4283, S/PV.4325 and S/PV.4405. This practice was first agreed upon on the condition that it would not set a precedent.

[26] S/PV.4369, S/PV.4371, S/PV.4386, S/PV.4391, S/PV.4397, S/PV.4425, S/PV.4426 and S/PV.4435. See further discussion on the TCCs meetings below at para. 37.

6. **Participation in the discussion**

(i) At one open briefing,[27] the President announced that, "if [non-members] [had] points that they would like to raise, they [could] ask a friendly member of the Council to raise those questions". A non- member subsequently asked the briefer several questions through a member of the Council.

(ii) At several private and public meetings[28] held during the year for briefing purposes, non-members were invited to attend, but did not speak. At the two public meetings where this occurred, the non-members did not speak by prior arrangement.[29] At the majority of the private meetings, numerous non-members were invited but only one or two spoke.[30] At two of the private meetings almost all the non-members spoke.[31]

(iii) As per past practice, there were several occasions where an individual addressed the Council, as previously agreed, without being formally invited. At an open debate on Liberia, the Chairman of the Sanctions Committee, invited under rule 39, introduced the Chairman of the Panel of Experts who presented the Panel's report to the Council without being formally invited.[32] At the open debate on Children and Armed Conflict, the Executive Director of UNICEF, invited under rule 39, introduced a child soldier from Sierra Leone, who addressed the Council without being formally invited.[33]

[27] S/PV.4308.

[28] S/PV.4276, S/PV.4286, S/PV.4299, S/PV.4358, S/PV.4406, S/PV.4407, S/PV.4410 and S/PV.4411.

[29] S/PV.4406 and S/PV.4410.

[30] At the 4276th meeting 7 non-members were invited, none of them spoke; at the 4286th meeting 16 non-members were invited, only one spoke (on behalf of the European Union); at the 4299th meeting 20 non-members were invited, only two spoke (one on behalf of the European Union); at the 4358th meeting 17 non-members were invited, only one spoke.

[31] S/PV.4407 and S/PV.4411.

[32] S/PV.4405.

[33] S/PV.4422.

Chapter II. Conduct of meetings

I. Order of speakers

7. **List of speakers** – In June, the President formally announced the date and time of the opening of the list of speakers prior to any formal meeting. This information was also published in the *Daily Journal*.

In a number of instances,[34] the Council members proceeded to the discussion of the item on the agenda without a pre-established list of speakers. In November, during the private meetings on the situations in Burundi[35] and the DRC[36] for which there was no pre-established list of speakers, the President asked a non-member, Uganda and Angola, respectively, to nominate the order of non-member speakers. The meetings progressed with Council members and non-member speakers interspersed.

In the same month, the speakers' list for Council members was established by drawing lots up to three working days in advance of a meeting. In the case of an urgent meeting, the lots were drawn before the provisional adoption of the agenda in informal consultations. This arrangement continued into the month of December.

8. **Order of speakers**

(i) During the open debate on strengthening cooperation with TCCs,[37] the Council members departed from their customary practice of speaking before non-members. During that debate, which was held over two sessions, most TCCs spoke during the morning session. In the afternoon session, the Council members spoke first, followed by the remaining TCCs. During the open debate on ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa,[38] non-members spoke first. Similarly, during public meetings on the situation concerning the DRC[39] and the situation concerning the Great Lakes region,[40] non-members were invited to speak before Council members.

(ii) At an open briefing on the situation concerning the DRC,[41] the President made a statement in his national capacity after all the non-members invited under rule 37 had spoken.

II. Interventions

9. **Interactive dialogue**

(i) At open and private briefings during April, the President dispensed with a pre-established list of speakers and called upon the briefers to respond to questions and comments soon after they arose, rather than at the end of the meeting.[42] In subsequent months, an interactive style of

[34] For example, during April, July, September, October and November.
[35] S/PV.4407.
[36] S/PV.4411.
[37] S/PV.4257.
[38] S/PV.4288.
[39] S/PV.4317. Upon resumption of the meeting, the remaining non-members were invited to speak after all Council members had spoken.
[40] S/PV.4323.
[41] S/PV.4327.
[42] S/PV.4312. During an open briefing on the same item in November (S/PV.4424) there was no fixed list of speakers. At that meeting, the Under-Secretary-General for Humanitarian Affairs was invited to respond to questions both during and at the conclusion of the meeting.

debate was occasionally utilized,[43] with members and non-members being encouraged to ask and respond to questions during the course of the meeting.

(ii) Meetings with TCCs were also meant to be interactive, with members and non-members indicating their desire to speak as the meeting progressed and the Secretariat responding to questions as they arose during the meeting.[44]

10. **Joint statement of members** – During August, at the open debate on small arms,[45] one Council member announced that he had prepared a joint statement with another Council member.

11. **Focused and operational interventions** – During April, the President circulated a note to all permanent and observer missions in which he elaborated certain guidelines,[46] on both form and substance, which might be followed in the forthcoming debate on the protection of civilians in armed conflict.[47] In particular, he requested delegations to consider preparing "focused and operational statements of no more than five minutes . . . clearly relevant to the issues arising from the Secretary-General's report" on the subject. During the debate,[48] he further suggested that any speaker could make arrangements with the Secretariat "to get their written speech into the record if they wish[ed] to shorten it in their oral remarks". Subsequently, two non-members read out abridged versions of their respective statements, the full texts of which were circulated.[49] Several other members and non-members announced their intention to make interventions that were in conformity with the President's guidelines.

III. Voting

12. **Voting procedures**

(i) During April and in subsequent months, there was no call for negative votes after a unanimous vote in favour of a draft resolution. This was in conformity with the President's working methods for the month of April,[50] which stipulated that during Council votes, if all 15 members had voted in favour, the President would not ask for negative votes or abstentions.

(ii) At a private meeting[51] in June, the Council adopted by acclamation resolution 1358 (2001), by which, *inter alia*, it recommended to the General Assembly that Mr. Kofi Annan be appointed Secretary-General of the United Nations for a second term of office. This was the third resolution adopted by acclamation in the Security Council. In 1996, the Security Council had adopted by acclamation a resolution recommending Mr. Kofi Annan's appointment as Secretary-General of the United Nations and a resolution recognizing Dr. Boutros Boutros-Ghali's service to the United Nations.[52]

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[43] See for example: S/PV.4420; S/PV.4424; S/PV.4429; S/PV.4358.

[44] S/PV.4369, S/PV.4371, S/PV.4386, S/PV.4391, S/PV.4397, S/PV.4425, S/PV.4426 and S/PV.4435. See further discussion on the TCCs meetings below at para. 37.

[45] S/PV.4362.

[46] A revised version of these guidelines was subsequently circulated in S/2001/596.

[47] Guidelines of a purely substantive nature were also issued for the 4272nd meeting (S/2001/82) and the 4288th meeting (S/2001/185).

[48] S/PV.4312.

[49] Similarly, at the 4370th meeting on "Threats to international peace and security caused by terrorist acts", the President announced that statements by 10 non-members would be subsequently circulated as annexes to a note by the President (S/2001/864).

[50] S/2001/596, Annex.

[51] S/PV.4337.

[52] S/RES/1090 (1996) and S/RES/1091 (1996). See also S/PV.3725.

(iii) At a public meeting on threats to international peace and security caused by terrorist acts,[53] the President asked the members of the Council to adopt resolution 1368 (2001) by standing rather than raising their hands, in order to "show unity in the face of the scourge of terrorism".

[53] S/PV.4370.

Chapter III. The Presidency

13. **Objectives of the presidency** – In November, the President outlined her objectives for the month in a paper that was distributed to all Member States.[54] It was the first time that a President's statement of objectives had been published as a Security Council document.

14. **Presidential web site** – At the beginning of November, at the request of the President, a new presidential web site was launched by the Secretariat.[55] It supplemented web sites maintained by individual presidencies and was designed to provide easy access to up-to-date information on the Council's work and decisions.

15. **Nature of introductory and concluding statements by the President** – At two open debates on thematic issues[56], two open briefings[57] and one public debate[58], the President made introductory and/or concluding remarks that were not made in his national capacity, or explicitly on behalf of the Council.

[54] S/2001/1055.
[55] http://www.un.org./Docs/sc/presidency
[56] S/PV.4257 and S/PV.4272.
[57] S/PV.4308 and S/PV.4309.
[58] S/PV.4439.

Chapter IV. Subsidiary organs

I. Security Council missions

16. **Security Council missions** – The Council conducted two missions away from Headquarters during 2001: to the Great Lakes Region in May[59] and to Kosovo, Federal Republic of Yugoslavia (FRY) in June.[60] The Kosovo, FRY mission was the first mission to be led by the Council President and to comprise all 15 members of the Security Council.

II. Sanctions Monitoring Mechanisms

17. **Innovative sanctions monitoring mechanism** – In July,[61] the Council unanimously adopted resolution 1363 (2001), by which, *inter alia*, it requested the Secretary-General to establish a mechanism to monitor the implementation of the sanctions regime in Afghanistan.[62] Under the resolution, the mechanism was composed of two parts: (i) a Monitoring Group of five experts, based in New York; and (ii) a Sanctions Enforcement Support Team (under the coordination of the Monitoring Group) of up to 15 members, to be located in the States bordering the territory of Afghanistan, in full consultation and cooperation with those States. In accordance with paragraph 3 of resolution 1363 (2001), the monitoring mechanism was established and became operational. However, due to developments on the ground, the support teams were not deployed.

III. Counter-Terrorism Committee

18. **Counter-Terrorism Committee (CTC)** – In September, the Council unanimously adopted resolution 1373 (2001), by which, *inter alia*, it decided to establish a Committee to monitor implementation of that resolution. This was the first time the Council established a committee with a global reach. The Committee[63] held 11 briefings for non-members in 2001 and maintains its own web site.[64]

IV. Work of subsidiary organs after expiration of their mandates

19. **Work continued after expiration of mandates** - In 2001, there were three instances in which the work of a subsidiary organ of the Council extended beyond the formal expiration of its mandate. In the first case, the mandate of the Council's Working Group on General Issues of Sanctions expired on 31 January. However, at subsequent consultations, Council members concurred that the Group's Chairman should continue his efforts to obtain a consensus on a final report entitled "Chairman's proposed outcome". In the second case, after the arms embargo against Eritrea and Ethiopia expired on 16 May pursuant to resolution 1298 (2000),[65] Council members considered how to proceed with respect to a possible violation which had occurred while the embargo was still in effect. The former Chairman of the Eritrea-Ethiopia Sanctions Committee was subsequently authorized, in a letter[66] from the Council President, to continue to work with the President of the Security Council and former members of the Committee to

[59] 15-26 May 2001.
[60] 16-18 June 2001.
[61] S/PV.4352.
[62] This was in line with the recommendations made in the Report of the Committee of Experts, regarding the monitoring of the arms embargo against the Taliban and the closure of terrorist training camps: S/2001/511.
[63] The CTC bureau was appointed on 4 October (S/2001/935), and the Committee's first 90-day workplan (S/2001/986) was approved by the Council that same month (S/2001/999).
[64] http://www.un.org/Docs/sc/committees/1373
[65] The expiration of the arms embargo was confirmed by presidential statement S/PRST/2001/14 of 15 May 2001.
[66] Not published as an official document.

conclude work on the outstanding case and to report thereon. The report on this matter was transmitted to the President by a letter[67] signed by the Permanent Representative of Mauritius, whose predecessor had served as Chairman of the Committee before its dissolution. In the third case, the Council, by its resolution 1367 (2001) of 10 September, terminated the arms embargo against the Federal Republic of Yugoslavia, including Kosovo, and dissolved the related sanctions committee. The Council President thereupon wrote a letter[68] to the former Committee Chairperson authorizing her to work with the President of the Security Council and former members of the Committee to prepare and submit a final report. By a letter[69] to the President, which she signed as the Permanent Representative of Jamaica, the former Chairperson transmitted a report covering major activities of the Committee established pursuant to resolution 1160 (1998) from 1 January to 10 September 2001.

[67] Not published as an official document.
[68] Not published as an official document.
[69] S/2001/931.

Chapter V. Relations with other organs

I. General Assembly

20. **Meeting with the OEWG** – In June, the President of the Council and two Council members[70] represented the Council at a meeting of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council (OEWG). It was the second time[71] that Council members had taken part in a meeting of the OEWG.[72]

II. International Court of Justice

21. **Briefing by President** – In October, the President of the International Court of Justice briefed the Council for the second time in its history.[73]

III. Secretariat

22. **Secretariat briefings** – In April 2001, the President initiated the practice of asking the Secretariat to circulate fact sheets to Council members.[74] During the August wrap-up meeting, several members commented favourably on the increasing practice of circulating fact sheets prior to consultations.

23. **Elements for the noon briefing** –Since April, the Secretariat has informed Council members in advance of issues to be raised at the daily noon briefing by the Spokesman's office.

24. **Communication of press statements** – In July 2001, the Secretariat began the practice of issuing all press statements made by the President on behalf of the Council as press releases.[75] This was in accordance with a note[76] issued by the Council in June 2001, which dealt with strengthening and clarifying the procedures to be followed when communicating the Council's decisions and press statements to the parties concerned.[77]

25. **Periodic reports of the Secretary-General on prevention of armed conflict** – In August 2001, the Security Council adopted resolution 1366 (2001) on the role of the Security Council in the prevention of armed conflict, in which it, *inter alia*, "Express[ed] its willingness to give prompt consideration to early warning or prevention cases brought to its attention by the Secretary-General and in this regard, encourag[ed] the Secretary-General to convey to the Security Council his assessment of potential threats to international peace and security ... in accordance with Article 99 of the Charter".[78] No formal reports of this nature were issued during 2001.

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[70] Bangladesh, Colombia and the United Kingdom.

[71] The first time was in March 2000.

[72] A/55/47.

[73] The first time was at the 4212th meeting on 31 October 2000.

[74] The April Presidency's paper on working methods envisaged that, "the Secretariat will be asked to produce fact sheets in advance of oral briefings so that the latter can concentrate on analysis".

[75] Prior to July 2001, press statements were issued as press releases upon request, usually by the President of the SC.

[76] S/2001/640.

[77] The note stipulated, *inter alia*, that: (i) the President of the SC should, when requested by Council members, draw the attention of the concerned parties to relevant Council decisions and press statements; (ii) the Secretariat should continue to bring to the knowledge of those concerned relevant Council decisions and press statements and ensure their promptest communication and widest possible dissemination; and (iii) the Secretariat should issue, as United Nations press releases, all press statements made by the President on behalf of the Council upon clearance by the President.

[78] This was in line with the Secretary-General's proposal in his report on the Prevention of Armed Conflict: S/2001/574. During

26. **Appointment of Secretary-General** – On 27 June, the Security Council formally nominated Mr. Kofi Annan for a second five-year term as Secretary-General. The nomination took place several months before the expiry of his first term of office.

the open debate on the role of the Council in prevention of armed conflict, numerous member and non-member States had welcomed and endorsed the Secretary-General's proposal: S/PV.4334.

Chapter VI. Relations with troop-contributing countries

27. **Presidential Statement of 31 January 2001** – On 16 January, the Council held an open debate on strengthening cooperation with TCCs.[79] On 31 January, the Council adopted a presidential statement,[80] which established a Working Group on Peacekeeping Operations to address both generic peacekeeping issues and technical aspects of individual operations.

28. **Resolution 1353 (2001)** – On 13 June 2001, the Council adopted resolution 1353 (2001) on cooperation with TCCs which stipulated, *inter alia*, that the Council would hold public or private meetings with the participation of TCCs to ensure a full and high-level consideration of issues of critical importance to specific peacekeeping operations.[81] In addition, it provided that consultation meetings with TCCs chaired by the President of the Council would continue as the principal means of consultation.[82]

29. **Implementation of resolution 1353 (2001)** - During September,[83] October,[84] November[85] and December[86] the Council met privately with TCCs in accordance with resolution 1353 (2001), Annex II, A. The President of the Council also chaired consultation meetings with the TCCs during the year.[87] In December, the Working Group on Peacekeeping Operations submitted its third report, which contained an assessment[88] of the implementation of resolution 1353 (2001), pursuant to paragraph 3 of that resolution.

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15 May 2002

[79] S/PV.4257.
[80] S/PRST/2001/3.
[81] S/RES/1353 (2001), Annex II, A.
[82] S/RES/1353 (2001), Annex II, B.
[83] S/PV.4369 and S/PV.4371.
[84] S/PV.4386, S/PV.4391 and S/PV.4397.
[85] S/PV.4425 and S/PV.4426.
[86] S/PV.4435.
[87] Provided for in resolution 1353 (2001), Annex II, B.
[88] S/2001/1335, Annex.

Annex I

Formal meetings held by the Security Council in 2001

	Formal meetings	Public meetings	Private meetings
January	17	15	2
February	14	11	3
March	23	18	5
April	9	8	1
May	7	7	0
June	20	18	2
July	11	11	0
August	9	8	1
September	22	16	6
October	19	14	5
November	28	21	7
December	13	12	1
Total[a]	**192**	**159**	**33**

[a] These figures do not include resumptions.

Annex II

Decisions adopted by the Security Council in 2001

	Meetings in which decisions were taken	Resolutions	Presidential statements
January	8	5	3
February	5	3	2
March	12[a]	5	6
April	4	3	1
May	3[b]	1	3
June	10	8	2
July	8	6	2
August	3	1	2
September	12	7	5
October	8	2	6
November	11[b]	7	5
December	7[a]	4	2
Total	**91**	**52**	**39**

[a] Includes 4305th and 4438th meetings at which decisions were taken to reject draft resolutions. Both of these draft resolutions failed of adoption owing to a negative vote of a permanent member. At the 4305th meeting, one member did not participate in the vote.

[b] Both a resolution and a presidential statement were adopted at the 4322nd and 4428th meetings.

Annex III

Presidency of the Security Council in 2001

January	Singapore
February	Tunisia
March	Ukraine
April	United Kingdom of Great Britain and Northern Ireland
May	United States of America
June	Bangladesh
July	China
August	Colombia
September	France
October	Ireland
November	Jamaica
December	Mali

United Nations A/56/967–S/2002/604

General Assembly
Security Council

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 30 May 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I am writing to draw your attention to the latest incidents in the ongoing campaign of Palestinian terrorism directed against the citizens of Israel.

On Monday evening, 27 May, at approximately 6.40 p.m. (local time), a Palestinian suicide bomber blew himself up at the entrance to a crowded shopping centre in the Israeli city of Petah Tikvah. The bomb was packed with nails and other objects to increase the pain and suffering of the victims. Witnesses reported seeing bodies sent flying through the air by the force of the explosion and blood, body parts, and other human remains were scattered about the scene of the attack. Two Israelis were killed in the explosion — an 18-month-old baby girl and her grandmother — and more than 50 others were wounded, several of them seriously. The Al-Aqsa Brigade claimed responsibility for this attack as well.

Also on Monday, Jerusalem police officers averted a major terrorist attack when a five-kilogram explosive was discovered by the entrance to a residential building in the French Hill neighbourhood. A police sapper neutralized the device; no one was injured.

On Tuesday night, 28 May, at approximately 11 p.m. (local time), an armed Palestinian terrorist entered the community of Itamar and indiscriminately opened fire on civilians. His first victims were two teenage students playing basketball outside their school, both of whom he shot dead. The terrorist then proceeded inside the school building where he opened fire on another group of students, killing one and wounding two others before his rampage was ended by a security guard. The Al-Aqsa Martyrs Brigades, the terrorist wing of Palestinian Authority Chairman Yasser Arafat's Fatah movement, claimed responsibility for the attack.

Also on Tuesday, Albert Malul, a 50-year-old resident of Jerusalem, was killed when Palestinian terrorists ambushed his vehicle several hundred metres from the Burka Junction. His brother, Herzl, age 40, who was also in the car, was wounded and evacuated to a hospital in Jerusalem.

02-40556 (E) 310502

These incidents are the latest in the continuing campaign of Palestinian terrorism that has been detailed in numerous letters since the onset of hostilities in late September 2000.

The Government of Israel holds the Palestinian Authority and its Chairman fully responsible for these incidents. The Palestinian leadership continues to lend financial and moral support to terrorist organizations, incite its people to violence and terror, collude with known terrorists, and permit terrorist operatives to operate freely in its territory.

Despite the tens of thousands of Palestinian Authority security personnel that Chairman Arafat has at his command, no action has yet been authorized to combat terrorist organizations that continue to operate with a free hand in full view of the Palestinian leadership and its security institutions. Recently there have been reports of terrorist organizations circulating pamphlets with instructions on how to construct a bomb from common household materials and how to infiltrate Israeli security and set it off amidst a crowd of civilians. Is putting an end to the free distribution of such material, and arresting known terrorists and confiscating their weapons, beyond the capability of 40,000 armed officers?

Chairman Arafat prefers a policy of duplicity, whereby he issues condemnations for the benefit of Western audiences while turning a blind eye to the unceasing efforts to kill and injure Israeli civilians emanating from the territories under his control. This dual policy even applies to attacks for which Chairman Arafat's own Fatah forces are responsible, as has been the case in a number of recent incidents including Monday's bombing in Petah Tikvah.

More than 20 months into the Palestinian terrorist campaign, we still await any signal from the Palestinian leadership that its calls for an end to terrorism are more than mere rhetoric. For Chairman Arafat's condemnations to be even mildly credible, they must be accompanied once and for all by action aimed at bringing such attacks to an end. Israel calls upon the international community to exert maximum pressure on the Palestinian leadership and compel it to fulfil its obligations to dismantle the terrorist infrastructure, arrest known terrorists, and bring an immediate end to incitement and the glorification of terror and suicide. Failure to do so will severely undermine efforts to return to a process of dialogue and negotiations that constitute the only available avenue for a peaceful settlement to the conflict.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2002/605

Security Council

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Letter dated 30 May 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 27 May 2002, which I received from the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-40683 (E) 030602

Annex

Letter dated 27 May 2002 from the Secretary-General of the North Atlantic Treaty Organization (NATO) addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on SFOR operations (see enclosure). I would appreciate your making this report available to the Council.

(*Signed*) The Rt. Hon. Lord **Robertson** of Port Ellen

Enclosure

Monthly report to the United Nations on SFOR operations

1. Over the reporting period (1 to 30 April 2002) there were just over 18,400 troops deployed in Bosnia and Herzegovina and Croatia, with contributions from all the NATO allies and from 15 non-NATO countries.

2. SFOR continues to contribute towards the maintenance of a safe and secure environment in Bosnia and Herzegovina, monitor compliance by the entity armed forces, conduct inspections and consolidation of weapons storage sites, provide support to the international organizations working in theatre, provide support to the Federation authorities in collecting weapons and ammunition in the framework of Operation Harvest, and monitor possible terrorist-related threats throughout the country.

3. Although the general security situation in Bosnia and Herzegovina remained stable during the reporting period, there were four bomb incidents, which are believed to be linked to organized crime. On 4 April, two cars were blown up in Siroki Brijeg (west of Mostar), one of which belonged to the local public prosecutor. On 17 April, a car belonging to a Bosnian Serb was blown up in Banja Luka. On 18 April, the car belonging to the Finance Minister of canton 8 was blown up in the village of Studenci.

4. SFOR has intensified Operation Harvest for the period running from 1 April to 30 June, and will work closely with the International Police Task Force (IPTF) and local police in an effort to collect as many weapons held by the local population as possible. During the reporting period, 204 weapons, 1,445 grenades and mines, 62,711 rounds of ammunition and 780 kilogrammes of explosives were picked up.

5. In addition, several caches of weapons and ammunition were found and confiscated by SFOR. For example, on 10 April, 130 mortar grenades, 96 M-60 rifle grenades and 72 hand grenades were found in a house at Belica, 30 kilometres east of Mostar. On 17 April, a cache containing 150 mines, 360 detonators, 600 pieces of 500-gram TNT, 1,800 pieces of 200-gram TNT and 750 metres of explosive cord was found in the Doboj area. On 24 April, a large quantity of ammunition was discovered in the cellars of an abandoned factory in Vrapcici, north-east of Mostar. The cache, believed to have been left over from the war, was booby-trapped, which delayed the eventual removal and confiscation of the ammunition, which included over 4,000 120-millimetre mortar shells, over 6,000 explosive fuses and 850 propellant charges. The ammunition is currently being destroyed by SFOR.

Cooperation and compliance by the parties

6. The armed forces of Bosnia and Herzegovina carried out normal training activities during the reporting period in substantial compliance with the military provisions of the Peace Agreement. According to the plan mentioned in the January report to reduce the armed forces,[1] 2,208 Federation soldiers who opted for voluntary redundancy handed over their weapons and left the armed forces on 1 April. The Government has pledged to hand over their severance pay by the end of June. SFOR carried out an inspection of air defence equipment at Zaluzani air base and the Kosmos repair facility near Banja Luka on 17 April to check on equipment

previously listed as unknown. The equipment in question was positively identified during that inspection.

7. During the period under review, SFOR troops conducted 94 inspections of weapons storage sites, 36 of them Bosnian Serb, 33 Bosniac, 11 Bosnian Croat and 13 Federation. In the effort to reduce the number of weapons storage sites,[2] SFOR has requested the entity armed forces to provide information on holdings of obsolete weapons and treaty-limited equipment by 30 April. SFOR will permit, with prior approval, the sale of these weapons to third countries over the coming months. Any weapons not sold will be destroyed.

8. SFOR troops monitored 371 training and movement activities during the reporting period: 167 Bosnian Serb, 89 Bosniac, 6 Bosnian Croat and 109 Federation.

9. A total of 545 mine-clearing activities were monitored over this period: 192 Bosnian Serb, 208 Bosniac, 116 Bosnian Croat and 29 Federation.

Cooperation with international organizations

10. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to international organizations in theatre, including the United Nations Mission in Bosnia and Herzegovina, the Office of the High Representative, the International Tribunal for the Former Yugoslavia (ICTY), the Organization for Security and Cooperation in Europe (OSCE) and the Office of the United Nations High Commissioner for Refugees.

11. On 15 April, SFOR supported ICTY in an exhumation in the Prijedor area and on 17 and 18 April provided security support for the visit of the ICTY Chief Prosecutor.

Outlook

12. The overall security situation in Bosnia and Herzegovina is expected to remain stable.

Notes

[1] The Federation Armed Forces are expected to reduce personnel from 23,000 to 13,000 by the end of 2002. The Republika Srpska armed forces are set to reduce personnel from 9,000 to 6,000 by the end of 2003 through retirement and expiry of contracts.

[2] 213 weapons storage sites remain, compared to 353 a year ago.